

EXHIBIT 4

**[PROPOSED] ORDER GRANTING TRUSTEE'S MOTION IN
LIMINE NUMBER 4 TO EXCLUDE THE TRUSTEE AS A WITNESS**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**[PROPOSED] ORDER GRANTING MOTION *IN LIMINE*
NUMBER 4 TO EXCLUDE THE TRUSTEE AS A WITNESS**

Upon consideration of the Trustee's Motion *in Limine* Number 4 to Exclude the Trustee as a Witness (the "Motion") dated October 28, 2016, ECF No. _____, filed by Irving H. Picard, as trustee ("Trustee") for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the substantively consolidated estate of Bernard L. Madoff ("Madoff"); the Declaration of David J. Sheehan in Support of Trustee Motions *in Limine* Numbers 1–4 dated October 28, 2016, ECF No. ____; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on _____ (the "Hearing"); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, responsive pleadings, the arguments of counsel at the Hearing and the

record in this case; and for the reasons set forth in the transcript of the Hearing on the Motion, **IT IS HEREBY:**

ORDERED, that the relief requested in the Motion is granted to the extent set forth herein; and it is further

ORDERED, that Participating Claimants shall not be permitted to call the Trustee as a witness at the evidentiary hearing on the Trustee's Motion for an Order Affirming Treatment of Profit Withdrawal Transactions (ECF No. 10660); and it is further

ORDERED, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: _____
New York, New York

HONORABLE STUART M. BERNSTEIN
United States Bankruptcy Judge